JOSEPH P. RUSSONIELLO (CASBN 44332) 1 United States Attorney 2 BRIAN J. STRETCH (CSBN 163973) 3 Chief, Criminal Division MATTHEW A. PARRELLA (NYSBN 2040855) 4 JEFFREY D. NEDROW (CASBN 161299) JEFFREY R. FINIGAN (CASBN 168285) 5 J. DOUGLAS WILSON (DCBN 412811) 6 Assistant United States Attorneys 7 450 Golden Gate Avenue San Francisco, California 94102 8 Telephone: (415) 436-7232 9 Facsimile: (415) 436-7234 Email: jeffrey.finigan@usdoj.gov 10 Attorneys for Plaintiff 11 UNITED STATES DISTRICT COURT 12 13 NORTHERN DISTRICT OF CALIFORNIA 14 SAN FRANCISCO DIVISION 15 UNITED STATES OF AMERICA, No. CR 07-0732 SI 16 Plaintiff, FIRST AMENDED PROPOSED JURY 17 INSTRUCTIONS v. 18 BARRY LAMAR BONDS, Trial: 19 March 2, 2009 8:30 a.m. Defendant. Time: 20 Court: Hon. Susan Illston 21 22 23 The government respectfully submits this First Amended set of proposed jury 24 instructions. The amendments are as follows. First, Model instruction 3.16 (corruptly) has been deleted, because that term is defined within Special Instruction #1. Second, Model instruction 25 26 4.3 (other crimes, wrong, or acts of defendant) has been deleted and replaced with Special 27 Instructions #2 and #3, which fit the facts of this case better than the model instruction. Leave is respectfully requested to include such other additional instructions as may become appropriate 28 FIRST AMENDED PROPOSED INSTRUCTIONS CR 07-0732 SI

v. Google, Inc.

Doc. 132

during the course of the trial. A copy of these proposed instructions will be delivered to the Court on a 3 ½" floppy disk in the WordPerfect 9 format. Depending on the evidence adduced at trial, some of the instructions included herein may not be appropriate, and some additional instructions may be required. The government respectfully reserve the right to request additional jury instructions or modifications of the attached instructions at trial. DATED: February 18, 2009 Respectfully submitted, JOSEPH P. RUSSONIELLO United States Attorney MATTHEW A. PARRELLA JEFFREY D. NEDROW JEFFREY R. FINIGAN J. DOUGLAS WILSON Assistant United States Attorneys 

## **TABLE OF JURY INSTRUCTIONS**

2

1

3

## NINTH CIRCUIT MODEL JURY

4

5	<u>NO.</u>	<u>INSTRUCTIONS</u>	<u>DESCRIPTION</u>
6	1	1.12	OUTLINE OF TRIAL
7	2	2.2	BENCH CONFERENCES AND RECESSES
8	3	2.3	STIPULATED TESTIMONY
9	4	2.4	STIPULATIONS OF FACT
10	5	2.5	JUDICIAL NOTICE
11	6	2.7	TRANSCRIPT OF RECORDING IN ENGLISH
12	7	3.12	SEPARATE CONSIDERATION OF MULTIPLE
13			COUNTS
14	8	4.1	STATEMENTS BY DEFENDANT
15	9	4.9	TESTIMONY OF WITNESSES INVOLVING
16			SPECIAL CIRCUMSTANCES – IMMUNITY,
17			BENEFITS, ACCOMPLICE, PLEA
18	10	4.17	OPINION EVIDENCE, EXPERT WITNESS
19	11	5.6	KNOWINGLY
20	12	7.6	COMMUNICATION WITH COURT
21	13	8.112	FALSE DECLARATION BEFORE GRAND JURY
22	14	Special #1	OBSTRUCTION OF JUSTICE
23	15	Special #2	ACTIVITIES NOT CHARGED
24	16	Special #3	EVIDENCE OF OTHER ACTS OF DEFENDANT
25			OR ACTS AND STATEMENTS OF OTHERS
26			
27			
28			

FIRST AMENDED PROPOSED INSTRUCTIONS CR 07-0732 SI 3